

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

UNITED STATES OF AMERICA

§

Plaintiff,

§

v.

§

DAVID THOMAS OVERMAN

§

Defendant.

§

U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS FILED
DEC 15 2022
CLERK, U.S. DISTRICT COURT By _____ Deputy

2:22-CR-90-Z-BR-(1)

ORDER SETTING ASIDE PLEA OF GUILTY

On November 22, 2022, the United States Magistrate Judge issued a Report and Recommendation Concerning Plea of Guilty (“Report and Recommendation”) in the above referenced cause. On December 12, 2022, Defendant and the Government filed an Agreed Motion to Set Aside Guilty Plea (“Agreed Motion”) after “the parties were made aware of an error in the listed statutes in the indictment, specifically, that the date of offense was after the date when there was a statutory change in the law applicable to the case.” ECF No. 31 at 1. The Agreed Motion advised that a superseding information or indictment would be forthcoming.

The Court independently examined all relevant matters of record in the above referenced cause, including the elements of the offense, Factual Resume, Plea Agreement, and Plea Agreement Supplement. The Court has determined that the statute cited in the Report and Recommendation and in the Indictment was the incorrect provision in light of an amendment that went into effect before the date of the alleged crime. Therefore, the Agreed Motion should be and hereby is **GRANTED**. The Plea Agreement found at ECF No. 22 and the Plea Agreement Supplement found in ECF No. 24 are hereby **SET ASIDE**. Accordingly, the Report and Recommendation is moot.

SO ORDERED.

December 15, 2022


MATTHEW J. KACSMARYK
UNITED STATES DISTRICT JUDGE